

**REMARKS**

Favorable reconsideration and allowance of the present application are respectfully requested.

Claims 1-7, 9, 15-18, 22-23 and 28-29 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Ramaswamy (WO 02/098057). This rejection is respectfully traversed.

The instant application proposes network-based access selection (on the network side) in order to connect a mobile terminal with multiple access possibilities to the best IP access network.

Access selection in IP networks according to the prior art is generally user-based, i.e. the user decides what access network to use, and/or terminal-based, i.e. the terminal selects an access network. The new claims in this case instead provide a solution for network-based access selection meaning that an entity on the network side collects suitable information, makes a decision and tells the terminal which access is considered the best.

In particular, the claimed access selection is built around a network-based access selection unit. This access selection unit, which is arranged on the network side, communicates with a network-based profile server, which in turn provides an interface to a number of associated databases in the network. Via the profile server, the network-based access selection unit receives considerable amounts of database information including access network properties, operator policies, operator/user prioritization criteria and allowed user subscription profiles (see p. 4, lines 5-8, p. 9, lines 12-16, p. 14, lines 10-14). The network-based access selection unit also receives terminal-specific information including information on available/current access networks from an access agent in the mobile terminal (p. 4, lines 8-11, p. 10, lines 16-19). The

network-based access selection unit then selects a current best access network for the mobile terminal based on the retrieved database information and also based on the terminal-specific information. The network-based access selection unit communicates an access network recommendation comprising an indication of the current best access network to the access agent in the mobile terminal. This enables a final decision, by an access manager in the mobile terminal, on which access network to use based on the access network recommendation.

The claimed solution is very advantageous in that it enables well-founded access decisions, since many factors can be considered including information about access network properties, operator policies, operator/user prioritization criteria, as well as allowed user subscription profiles from the network side together with terminal-specific information from the terminal. The network-based access selection can handle large data quantities as well as heavy computations, and offers an unprecedented overall perspective by which the network resources can be better utilized. A multitude of important factors can be weighed together into an appropriate access network decision, and even very complex access situations can be handled.

The pending rejection is based on WO 02/098057 to Ramaswamy which describes seamless communications through network selection. Ramaswamy acknowledges a growing demand for users to receive and display information content such as maps, e-mail, text, web pages, audio and video files from the Internet through various network systems such as cellular telephone systems, television broadcasting systems, home network/broadband systems. In turn, Ramaswamy selects an access network for transferring text, audio, and/or video content from a content server to a mobile communications device.

The content server 27 provides the media content such as text, audio and/or video to different users requesting such desired information. But the content server 27 is not the profile

server recited in claim 1 connected to a plurality of databases for retrieving database information including access network properties, operator policies, operator/user prioritization criteria and allowed user subscription profiles. On page 12, lines 339-340, Ramaswamy explains that the content server 27 contains the information--media content such as audio and video--desired by the user. The user sends a request for desired content such as audio/video to the content server, and the content server transmits (in unicast mode or multicast/broadcast mode) the requested data to the user through/via an access network selected by the network management entity 26 associated with the content server 27. See Ramaswamy page 12, line 341 to page 13, line 354. On page 12, lines 341-343, Ramaswamy describes that the management entity (26) receives a network availability and status report (indicating which of the networks that are currently operational/available to the portable device) from the mobile platform (10).

Although as indicated in Fig. 2, the network management entity 26 is connected to the content server 27, the content server is not connected to a plurality of databases as claimed. So there is no teaching of the claimed a profile server having a plurality of associated databases. In addition, Ramaswamy fails to disclose or suggest maintaining database information including access network properties, operator policies, operator/user prioritization criteria, and allowed user subscription profiles to be used as a basis for access network selection.

At page 8, lines 208-212 in Ramaswamy, the network management entity chooses an appropriate network based on priority, desired transmission quality, required bandwidth, and cost. But there is no indication where this information comes from. Significantly, Ramaswamy's the network management entity does not select an access network based on the database information specifically recited in the claims: one or more access network properties, one or more operator policies, one or more operator/user prioritization criteria, and one or more

allowed user subscription profiles. For example, this retrieved database information allows the consideration of three different types of operator-related information as well as allowed user subscription profiles from the network side. This is not considered by Ramaswamy. In contrast, Ramaswamy primarily selects the network that minimizes costs, as described on pages 13-14.

These arguments and new claims 37-60 were reviewed and discussed with SPE Rao and Examiner Wong in an interview conducted on March 7, 2008. Ms. Rao indicated that new claims 37-60 overcame the final rejection, but indicated that a new search would need to be performed. New claims 61-63 are similar to claims 49, 55, and 60 but are drafted without means plus function language, and are also distinguishable for the same reasons given above.

The remaining claims depend from independent claims 1, 15 or 22. None of the additional references Jiang, Kall, Mizell, Sauvage, and Gress overcome Ramaswamy's deficiencies. Consequently, the dependent claims are distinguishable as well.

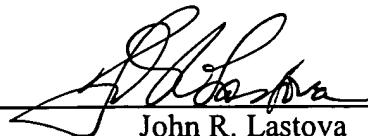
The present application is believed to be in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is invited to contact the undersigned to expedite prosecution in connection with the present application.

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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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